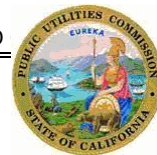


## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

**FILED**

10-16-14

Agenda ID #1437

Ratesetting

October 16, 2014

## TO PARTIES OF RECORD IN RULEMAKING 12-03-014:

This is the proposed decision of Administrative Law Judge Gamson. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's November 20, 2014 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

\_\_\_\_/s/ MARYAM EBKE for\_\_\_\_

Timothy J. Sullivan

Chief Administrative Law Judge (Acting)

TJS:ms6

Attachment

Decision **PROPOSED DECISION OF ALJ GAMSON** (Mailed 10/16 /2014)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

Rulemaking 12-03-014  
(Filed March 22, 2012)

**DECISION GRANTING COMPENSATION TO WOMEN'S ENERGY MATTERS FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS (D.) 13-02-015 AND D.12-12-010**

<b>Claimant: Women's Energy Matters (WEM)</b>	<b>For contribution to Decision (D.) 13-02-015 and D.12-12-010</b>
<b>Claimed: \$81,406.25</b>	<b>Awarded: \$20,193.60 (Reduced 75%)</b>
<b>Assigned Commissioner: Michel Florio</b>	<b>Assigned Administrative Law Judge (ALJ): David Gamson</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	D.13-02-015, issued February 13, 2013, was the decision in Track 1. This decision authorized long-term procurement for local capacity requirements (LCR). D.12-12-010, issued December 24, 2012, was the decision in Track 2. It adopted long term procurement plan assumptions and scenarios.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	April 18, 2012	Verified
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 18, 2012	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:		
6. Date of ALJ ruling:		

7. Based on another CPUC determination (specify):	D.13-10-071 in R.10-05-006, issued 10-31-2013	Verified
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D.13-10-071 in R.10-05-006, issued 10-31-2013	See, CPUC’s comment #12
12. Has the Claimant demonstrated significant financial hardship?		See, CPUC’s comment #12
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	N/A – The proceeding is still open – see comment below.	Verified. See, CPUC’s comment ## 14-15.
14. Date of Issuance of Final Order or Decision:	N/A	Verified. See, CPUC’s comment ##14-15
15. File date of compensation request:	March 4, 2014	Verified
16. Was the request for compensation timely?		Yes. See, CPUC’s comment ##14-15

**C. Additional Comments on Part I:**

#	Claimant	CPUC	Comment
12			
14-15		X	At the time of filing this claim, a final decision closing proceeding Rulemaking (R.) 12-03-014 had not issued. Therefore, the request was timely pursuant to Pub. Util. Code § 1804(c).
	WEM		Barbara George represented Women’s Energy Matters in Tracks 1 and 2 of R.12-03-014. WEM was a very active party as evidenced by its filings and participation in hearings/workshops described below. Barbara George was diagnosed with cancer in early 2013 and died in November 2013. As a result, the comp requests on these two decisions did not get filed immediately, but they are still timely filed, as a Final Decision has not yet been issued in this Proceeding.

**PART II: SUBSTANTIAL CONTRIBUTION****A. Description of Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

<b>Intervenor's Claimed Contribution</b>	<b>Specific References to Claimant's Presentations and to Decision</b>	<b>Showing Accepted by CPUC</b>
<b>D.13-02-015</b>		
<p>1. <u>Preferred Resources Can Meet Local Reliability Needs (Issue 6)</u>. WEM advocated throughout the proceeding that preferred resources be used to meet local reliability needs.</p>	<p><b><u>WEM:</u></b></p> <p>“WEM asks that the Commission specifically affirm that this proceeding will determine the criteria and methodology for using preferred resources as capacity and generation resources.” <i>WEM Comments on the Order Instituting Rulemaking (OIR), April 6, 2012 at p. 6.</i></p> <p>WEM's cross-examination of Cushnie at the Track 1 Evidentiary Hearings (EHs) resulted in the witness admitting that utilities could use certain types of energy efficiency (EE) for local capacity needs. “So certain types of programs I could imagine would be targeted to the LA<sup>1</sup> Basin...” See EH, Vol. 4, p. 689; also quoted in WEM Opening Brief, September 24, 2012 at pp. 19-22.</p> <p>WEM provided the Commission with resources including the ISO New England Manual for Measurement and Verification of Demand Reduction Value from Demand Resources, and information re: Federal Energy Regulatory Commission's plans to adopt standards for utilizing demand response and EE. See WEM's Notice of Ex Parte Communication dated May 2, 2012.</p> <p>“Utilizing similar metrics, the Commission could easily establish a venue for the preferred resources at the top of the loading order to compete to fill system or local needs.” See WEM's Reply Comments on Straw Proposal, June 11, 2012, p. 4.</p> <p><b><u>From Final Decision 13-02-015 (the Final Decision):</u></b></p> <p>“We agree with parties who contend that demand response resources are likely to be able to provide</p>	<p>Not accepted.</p> <p>WEM's references to the record do not demonstrate contributions to the decision. There was, largely, a consensus on this general issue among many parties to the proceeding, and WEM's position lacked original factual or analytical support that could contribute to the decision. The proceeding's record does not support WEM's assertion that the Commission relied on WEM's presentations.</p>

<sup>1</sup> Los Angeles.

	<p>capabilities which should reduce LCR needs recommended by the ISO. D1302015 at p. 55.</p> <p>The Final Decision altered the Proposed Decision to include more preferred resources in the LA Basin:</p> <p>“SCE <sup>2</sup>is also authorized to procure up to an additional 600 MW of capacity from preferred resources and/or energy storage resources. D1302015 at p. 2.</p> <p>“We anticipate that much of the additional LCR need currently forecast by the CAISO<sup>3</sup> can be filled by preferred resources, either through procurement of capacity or reduction in demand.” D1302015 at p. 3.</p> <p>“SCE should also actively pursue locally-targeted and cost-effective preferred resources.” D1302015 at p. 3.</p> <p>“Based on comments, the PD<sup>4</sup> has been modified as follows: ...</p> <ul style="list-style-type: none"> <li>• For the LA Basin, SCE is now required to procure at least 150 MW of preferred resources (as opposed to no requirement in the PD);</li> <li>• For the LA Basin, SCE may procure up to 600 MW of preferred resources (as opposed to an authorization of 250-450 MW in the PD subject to the overall 1800 MW cap...</li> </ul> <p>D1302015 at p. 118</p> <p>Conclusion of Law 25: “SCE should be required to determine the availability and cost-effectiveness of preferred resources, and energy storage resources that can offer the necessary characteristics to meet or reduce LCR needs. SCE should then be required to work with the ISO to re-run its transmission modeling load-flow analysis to determine the impacts of such resources. TO the extent such resources meet or reduce LCR needs, SCE should</p>	
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<sup>2</sup> Southern California Edison Company.

<sup>3</sup> California Independent System Operator Corporation.

<sup>4</sup> Proposed Decision.

	<p>reduce procurement of non-preferred resources. D1302015 at p. 129.</p> <p>ORDER: 1(c)“At least 150 MW of capacity must be procured from preferred resources consistent with the Loading Order of the Energy Action Plan. D1302015 at p. 131.</p> <p>ORDER: 1(d). “Subject to the overall cap of 1800 MW, up to 600 MW of capacity, beyond the amounts specified required to be procured pursuant to subparagraphs (a), (b) and (c) above, may be procured through preferred resources consistent with the Loading Order of the Energy Action Plan (in addition to resources already required to be procured or obtain by the Commission through decisions in other relevant proceedings) and/or energy storage resources. D1302015 at p. 131.</p>	
<p>2. <u>Invisibility of Resources to CAISO (Issue 6)</u>: WEM focused on the problem that although utilities know where distributed generation resources are located, they do not share this information with CAISO. Therefore, CAISO does not validate/quantify distributed generation resources when evaluating long term procurement needs, and utilities are allowed to procure more energy <u>than is even needed</u> from nuclear and fossil fuels.</p> <p>WEM asked the</p>	<p><b><u>WEM:</u></b></p> <p>WEM’s cross examination of SCE witness Cabbell during Evidentiary Hearings revealed that SCE has information about the location of distributed generation, but does not share that information with CAISO:</p> <p>CABELL: “[I]nternally we know where the generation is being located and where it's being projected to be interconnected. So we have that information.</p> <p>WEM: But you don't give that information to ISO? ...</p> <p>WEM: ... I'm talking the resources that are connected to your distribution system instead of the transmission system.</p> <p>CABELL: No. Since they are not the system operator of the distribution system, we don't provide that information to them. <i>See</i> EH, Vol. 5, p. 822.</p> <p>WEM asked if it would be useful to have data on preferred resources compiled by substation, Cabbell agreed: “It would probably be a refinement to the forecast.” <i>See</i> EH, Vol. 5, p. 821; also quoted in WEM Opening Brief Track 1, September 12, 24, pp. 10-11.</p>	<p>Not accepted.</p> <p>WEM’s references to the evidentiary record do not demonstrate contribution to D.13-02-015.</p> <p>D.13-02-015 did not rely on factual contentions, legal contentions, or specific policy or procedural recommendations in WEM’s presentations on this matter.</p>

<p>CPUC to require utilities to do what is needed to integrate distributed generation and other preferred resources currently invisible to CAISO, so these resources can be used to meet local reliability needs.</p>	<p><b><u>From the Final Decision:</u></b></p> <p>“Minick also testified that the ISO did not recognize the potential for increased distributed generation, assumptions for uncommitted energy efficiency or increased localized generation, all of which would lower the load on the transmission system.” D1302015 at p. 24. [This information came out during WEM’s cross-exam of witness Minick – <i>See</i> EH, Vol. 6, 8-14-12, p. 1016 <i>et seq.</i>]</p> <p>Finding of Fact 43: “SCE will need to undertake technical studies to integrate certain preferred resources (including energy storage resources) so that they meet local reliability needs, and to work with the ISO to assess the impacts of such resources to meet or reduce LCR needs.” D1302015 at p. 125.</p>	
<p><b><u>3. Location of Preferred Resources (Issues 6 and 11).</u></b></p> <p>WEM focused on the issue that the location of preferred resources is important in strategically implementing preferred resources to meet local capacity reliability needs. The Final Decision affirmed WEM’s work in Paragraph 10 of its Order.</p>	<p><b><u>WEM:</u></b></p> <p>“The PD mentions “location” of resources as having a significant impact on their “effectiveness” at serving load and meeting constraints. It errs by failing to discuss the fact that preferred resources are “invisible” to CAISO. There are two problems, one: most of them are situated on the distribution lines, rather than transmission. Two, the utilities fail to track where energy efficiency installations and other preferred resources are located. Without this information, the effectiveness of preferred resources cannot be determined.” <i>See</i> WEM Opening Comments on PD in Track 1, January 14, 2013, p. 6.</p> <p>“The Commission should track the location of all resources in order to better correlate them with demand, particularly in Local Capacity areas. Many existing resources (both supply and demand) are not being used— some have not even been counted as existing. Examples are nearly everything attached to distribution systems (energy efficiency, demand response, distributed generation, small renewables, CHP<sup>5</sup> and potentially some storage).” <i>See</i> WEM’s Opening Comments Energy Division’s Straw Proposal, May 31, 2012, p. 5</p>	<p>Accepted, to the extent that WEM’s position contributed to D.13-02-015 Ordering Paragraph 10.</p>

<sup>5</sup> Combined Heat Power.

	<p><b><u>From the Final Decision:</u></b></p> <p>ORDER at Paragraph 10: Southern California Edison Company shall work with the California Independent System Operator to determine a priority-ordered listing of the most electrically beneficial locations for preferred resources deployment. <i>See</i> D1302015 at p. 134.</p> <p>The Final Decision also acknowledged the presence of demand response resources in the LA Basin area that could be used to meet LCR needs:</p> <p>Finding of Fact 17: “There is at least 100 MW of demand response in the most effective locations now in the LA Basin (and 549 MW of total demand response resources now). <i>See</i> D1302015 at p. 121.</p> <p>Conclusion of Law 7: “It is reasonable, as a conservative approach, to assume a nominal level of 200 MW of locally-dispatchable demand response resource will be available in the LA Basin to reduce LCR needs by 2020.” <i>See</i> D1302015 at p. 128</p>	
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<p>4. <u>Uncommitted Energy Efficiency</u> (Issues 6 and 11): WEM noted that the utilities collect millions for EE which they do not use. WEM argued that the Commission must revise rules so that EE resources will be counted as procurement, allowing California to reduce its reliance on nuclear energy and fossil fuels.</p>	<p><b><u>WEM:</u></b></p> <p>“SCE and SDG&amp;E<sup>6</sup> are allowed to collect and spend billions of dollars of ratepayer money for energy efficiency programs. As of April 30, 2012, SCE still had almost half a billion dollars in its 2010-12 energy efficiency budgets that were supposed to be used by the end of 2012; SDG&amp;E had over \$100 million.” <i>See</i> WEM Opening Testimony, June 26, 2012 at p. 12.</p> <p>During Track 1 Evidentiary Hearings, WEM got ISO witness Millar to acknowledge that EE reduces load. <i>See</i> EH, Vol. 3, at pp. 516-517.</p> <p>“Additional energy efficiency should be targeted to reduce load in specific locations, NOW. When CA finally begins to target energy efficiency to reduce specific loads, it could be extraordinarily effective and incredibly cheap. Procurement funds could be used to fund part or all of it.” WEM Opening Brief Track 1, September 24, 2012, pp. 28-29.</p> <p>“We are spending over a billion dollars a year on energy efficiency, but all those megawatts are disqualified for use as capacity. What a waste of money. <i>See</i> WEM’s Reply Comments on Straw Proposal, June 11, 2012 at p. 3.</p> <p><b><u>From the Final Decision:</u></b></p> <p>Findings of Fact #16: “There will be more uncommitted energy efficiency available in the LA basin local reliability area than was included in the ISO Trajectory scenario.” D1302015 at p. 121. <i>See</i> WEM Opening Comments to Proposed Decision in Track 1 (LCRs), January 14, 2013, p. 10, item 16.5 (Index of Proposed Revisions), which directly relates to this Finding of Fact.</p>	<p>Not accepted.</p> <p>WEM’s position on this matter was not supported by a serious analysis or distinctive factual data, and did not contribute to the decision. More specifically, Finding of Fact 16 did not rely on WEM’s argument.</p> <p>WEM’s references to the record do not demonstrate contributions to the decision.</p>
<p>5. <u>Rules Re: Solicitations/Refueling Outage’s/ Compliance</u> (Issue 11): WEM advocated</p>	<p><b><u>WEM:</u></b></p> <p>“New rules, including better counting conventions, must be developed to enable demand side resources, distributed generation, CHP, storage, and small renewables to be properly qualified as to whether and to what extent they can be substituted</p>	<p>Not accepted.</p> <p>WEM’s references do not demonstrate contributions to D.13-02-015. The proceeding’s record</p>

<sup>6</sup> San Diego Gas & Electric Company.

<p>that new rules be implemented to assure integration of preferred resources and distributed generation resources to meet local capacity requirements.</p>	<p>for supply side resources [i.e., in particular, areas where new supplies are needed]. Utilities and/or generators should be ordered to install and make use of telemetry options at appropriate points on their distribution grids.” <i>See</i> WEM Opening Comments Energy Division’s Straw Proposal, May 31, 2012, p. 6.</p> <p>“Utilities should improve data processing so that all types of preferred resources can be better tracked and utilized in future.” <i>See</i> WEM Opening Comments Energy Division’s Straw Proposal, May 31, 2012, p. 6</p> <p><i>See also</i> WEM Opening Comments on PD in Track 1, 1-14-13 at p. 7.</p> <p><b><u>From the Final Decision:</u></b></p> <p>Conclusion of Law 4: “SCE’s procurement process should have no provisions specifically or implicitly excluding any resource from the bidding process due to technology, except for specific requirements ...” D1302015 at p. 127.</p> <p>ORDER: “3. ... SCE shall identify its assumptions on the effectiveness of any resource for which the RA program does not provide clear guidance.” D1302015 at p. 131.</p> <p>ORDER: “4. Any Requests for Offers issued by Southern California Edison Company pursuant to this Order shall include the following elements...:</p> <p style="padding-left: 40px;">e. No provisions specifically or implicitly excluding any resource from the bidding process due to resource type (except as authorized in this Order); ...</p> <p style="padding-left: 40px;">g. Provisions designed to be consistent with the Loading Order approved by the Commission in this Energy Action Plan and to pursue all cost-effective preferred resources in meeting local capacity needs...” D1302015 at p. 131-132.</p> <p>ORDER: 11: “... In addition to currently applicable rules, the Applications shall specify how the totality of the contracts meet the following criteria: ...</p>	<p>in general does not contain WEM’s presentations that could contribute to Conclusion of Law 4.</p>
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	<p>b. Consistency with the Loading Order, including a demonstration that it has identified each preferred resource and assessed the availability, economics, viability and effectiveness of that supply in meeting the LCR need; ...</p> <p>e. A demonstration of technological neutrality, so that no resource was arbitrarily or unfairly prevented from bidding in SCE's solicitation process. To the extent that the availability, viability and effectiveness of resources higher in the Loading Order are comparable to fossil-fueled resources, SCE shall show that it has contracted with these preferred resources first. D1302015 at p. 135</p> <p>ORDER: "6. "In its proposed procurement plan to be reviewed by Energy Division [SCE] shall show that it has a specific plan to undertake integration of energy efficiency, demand response, energy storage and distributed generation resources in order to meet of reduce local capacity requirement needs through 2021. D1302015 at p. 133.</p>	
<p><u>6. Whether Additional Capacity Needed to Meet Local Reliability Needs (Issue 1):</u></p> <p>In this proceeding (as it had in R1005006), WEM alerted the Commission that SONGS was unreliable, was not likely to return to service, and that the Commission should immediately seek alternative resources, preferably preferred resources, to replace it. The Final Decision,</p>	<p><b><u>WEM:</u></b></p> <p>"Edison calls in an "interesting hypothetical" to "evaluate how the grid might operate in the short term, e.g., 2015," without San Onofre (S.O.) but opposes considering anything in this Long-Term Procurement Plan (LTPP) other than "the contingency that the NRC licenses for SONGS<sup>7</sup> are not renewed." This is nonsense, the height of denial. S.O. has been closed for 4 months and is expected to be closed all summer. It's clearly unreliable. The Commission needs to consider the quickest way to replace this crippled monster with clean resources." See WEM's Reply Comments on Straw Proposal, June 11, 2012, at p. 6.</p> <p>"The need to replace San Onofre in short order presents an opportunity to discover how quickly a Local Capacity Area can convert to preferred resources." WEM Opening Comments on Energy Division Straw Proposal on Planning Assumptions. May 31, 2012, at p. 5.</p>	<p>Not accepted.</p> <p>WEM's references to the record do not demonstrate contributions to D.13-02-015.</p> <p>The proceeding's record in general does not contain WEM's presentations that could contribute to the decision's statements at 118 or Finding of Fact 6.</p>

<sup>7</sup> San Onofre Nuclear Generating Station.

<p>issued before the SONGS closure announcement in June 2013, did acknowledge that the LA Basin procurement level would need to be raised.</p>	<p><b><u>From the Final Decision:</u></b></p> <p>The Final Decision, issued before the SCE’s announcement that SONGS would be retired, acknowledged the changing reality: “Based on comments, the PD has been modified as follows:</p> <ul style="list-style-type: none"> <li>• The minimum procurement level for the LA Basin has been increased from 1050 MW to 1400 MW; ... D1302015 at p. 118</li> </ul> <p>Uncertainty about what the future will bring was also acknowledged in Findings of Fact 6. “The ISO forecasted LCR needs 10 years into the future for the first time; these forecasts (like other forecasts) are subject to error due to input assumptions and significant changes in circumstances in the future.” D1302015 at p. 120</p>	
<p>7. <u>WEM Enriched the Record.</u> Along with the direct contributions cited above, WEM offered valuable perspective on other issues, which the Commission did not necessarily agree with. Even on such issues WEM and made a substantial contribution to the Commission’s Decision in this proceeding.</p>	<p><b><u>Examples:</u></b></p> <p>“WEM recommends a pilot Procurement Demand Reduction program focusing on energy efficiency measures targeted to specific circuits in the LA Basin-Orange Co.-San Diego LCAs, to relieve constraints caused by the outages of San Onofre Units 2 and 3. Substantial grid-reliable load reductions could be achieved in time for next summer when the Huntington Beach Units 3 and 4 will likely no longer be available.” WEM Opening Brief Track 1, September 24, 2012, pp. 22-24.</p> <p>“WEM appreciates all the work by the ALJ and Commissioner, Energy Division staff, CAISO, IOUs and parties in this proceeding, to try to make preferred resources eligible for LCR procurement and allow them to participate as the Loading Order requires. We’re not there yet. More work is needed before we’ll see even 450 MW of preferred resources chosen in a fair solicitation. Given SCE’s resistance, a public process will be necessary to define the attributes that various preferred resources would need in order to make them equivalent with conventional resources. WEM recommends that the PD order that process to begin immediately in public workshops.” WEM Opening Comments on PD in Track 1 (LCRs), January 14, 2013, p. 8.</p>	<p>Accepted, to the extent that WEM’s recommendation regarding pilot program could contribute to the proceeding.<sup>8</sup></p>

<sup>8</sup> See a discussion on Preferred Resource Living Pilot Program proposed by SCE, in D.14-03-004 at 65 and 66.

D.12-12-010		
Intervenor's Claimed Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>1. WEM's opening comments on the Preliminary Scoping Memo in the OIR for this proceeding, WEM stated beginning at 6: "For example, replacing San Onofre's power requires consideration of local resource adequacy. In the previous LTPP WEM recommended that the Commission order utilities to first begin to simply account for the existing solar rooftops, EE and other preferred resources connected to their distribution grids."</p>	<p>D.12-12-010: The LTPP scenarios were developed to help answer the following planning questions before the Commission D.1212010, p. 9:<sup>9</sup></p> <ol style="list-style-type: none"> <li>1. What new resources need to be authorized and procured to ensure adequate system reliability, both for local areas and the system generally, during the planning horizon? <ul style="list-style-type: none"> <li>• What is the need for flexible resources and how does that need change with different portfolios? What electrical characteristics (e.g. ramp rates, regulation speeds) are needed in what quantities? Are these needs location specific?</li> <li>• How does the potential retirement of major resources (e.g. once-through-cooling, nuclear) change the resource needs?</li> </ul> </li> <li>1. What mix of resources minimizes cost to customers over the planning horizon? <ul style="list-style-type: none"> <li>• Is there a preferred mix of energy-only, fully deliverable resources, and demand side resources? How does this mix vary depending on the operational characteristics of the resources?</li> </ul> </li> </ol>	<p>Not accepted.</p> <p>WEM's references to the record do not demonstrate contributions to D.12-12-010.</p> <p>Review of the larger formal record created by WEM does not support WEM's claim of substantial contribution to the decision.</p>
<p>2. WEM comments<sup>10</sup> on the Proposed Decision issued on November 20, 2012, explained the importance of requiring EE sources to meet expected electrical load: "WEM predicts that demand side resources will only</p>	<p>P. 23 of Attachment A to D.12-12-010, <i>Final Assumptions and Scenarios for use in R.12-03-014</i><sup>12</sup> used WEM's recommendations: "Incremental Energy Efficiency</p> <p>The Energy Commission also estimates incremental EE in three "savings scenarios". The same approach is used for the 2012 LTPP, wherein the Energy Commission analyzes EE programs and creates a forecast that is incremental to the CED.</p> <p>In the 2010 LTPP, goals adopted in D.08-07-047 were based on the 2008 Goals Study. In order to</p>	<p>Accepted. WEM's input on these issues was unique and contributed to D.12-12-010.</p>

<sup>9</sup> The claim refers here, incorrectly, to p. 22 of the decision. The reference is corrected here.

<sup>10</sup> <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M064/K128/64128162.PDF>.

<sup>12</sup> This is a correction of the incorrect page reference (to page 38 of D.12-12-010) in WEM's claim.

<p>be fully counted when the Commission allows grid-reliable EE, DR and other “demand side resources” to bid.” See page 3<sup>11</sup></p>	<p>account for more current information from the 2011 Potential Study, the Energy Commission updated the incremental uncommitted forecast in September 2012 after providing an initial forecast in July 2012.</p> <p>As the first phase of the Analysis to Update Potential Goals and Targets, the potential study provides a base case forecast of EE potential for traditional IOU incentives. The second phase of the study, which generates scenarios of forecasted savings that consider policy and market mechanisms as well as economic conditions, will not be completed until 2013. As part of the incremental uncommitted forecast, the Energy Commission conducted low, middle, and high analyses. The low and middle values are adopted as the low and mid assumptions for the 2012 LTPP. The high values are increased by a low level of Big Bold EE Strategies uptake as well as naturally occurring savings.</p> <p>Locational Impact</p> <p>Appendix A – Assessing Impacts of Incremental EE Program Initiatives on Local Capacity Requirements appended provides the methodology for assigning incremental EE to specific busbars for use in power flow and other modeling needs that require greater granularity.</p> <p>Non-Event-Based Demand Response</p> <p>For demand side demand response programs, the values embedded in the Energy Commission load forecasts will be utilized. The only adjustment to non-event based demand response is to account for programs not initially included in the Energy Commission load forecasts. Non-event-based demand response programs are included on the demand side of the assessment. Event-based programs are treated as supply resources. ”</p>	
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<sup>11</sup> WEM’s Reply Comments on Proposed Decision on Scenarios, filed on December 17, 2012.

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b> <sup>13</sup>	<b>Yes</b>	<b>Verified</b>
<b>b. Were there other parties to the proceeding with positions similar to the Claimant's?</b>	<b>Yes</b>	<b>Verified</b>
<b>c. If so, provide name of other parties:</b> The "Environmental Parties", including California Environmental Justice Alliance (CEJA), Natural Resources Defense Council (NRDC), Sierra Club, Vote Solar and Center for Energy Efficiency and Renewable Technologies (CEERT)		<b>Verified</b>
<b>d. Claimant's description of how it coordinated with ORA and other parties to avoid duplication or how its participation supplemented, complemented, or contributed to that of another party:</b> Each party has different types of expertise that it brings to bear in different ways. Listed below are specific examples of how WEM supplemented, completed, or contributed to the positions of other parties: CEJA, NRDC and Sierra Club and WEM were all critical of ISO's local capacity methodology which excludes significant amounts of energy efficiency. WEM pointed out that EE policy targets have not been met, and also provided a chart showing California produces excess energy. VOTE SOLAR and WEM agree on the need to procure LCR need from preferred resources, but WEM argued for <i>immediate</i> action to integrate preferred resources, whereas VOTE SOLAR recommended a "wait a few years and see" approach. CEJA and SIERRA CLUB argued that preferred resources tend to be available and there may be no LCR needed for the LA Basin area; WEM said there was no reason to assume that preferred resource are uniformly distributed throughout the state (and therefore we cannot assume that there would be a "zero" need in the LA Basin. WEM also pointed out that with the SONGS closure, there might be an LCR need in Southern California. Both WEM and CEERT urged the Commission to identify eligibility requirements and performance metrics for preferred resources that can meet LCR needs before authorizing LCR procurement. WEM went further and supplied the Commission with the ISO-NE manual and protocols for integrating Demand Response. WEM and CEERT also agreed that non-traditional resources should be allowed to bid in any solicitation to fill LCR needs. WEM went further and supplied the		<b>Verified</b> We verify this statement only to the extent of the limited number of WEM's points presented in the proceeding. This verification does not assess whether WEM's participation on these points contributed to the underlying decisions. Such assessment has been provided in Part II (A). WEM also advocated on the issues subject to the consensus among many parties to the proceeding (for example, the use of preferred resources).

<sup>13</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>specifics of SCE's RFP language to show that preferred resources are excluded.</p> <p>WEM communicated with other parties to avoid duplication, and always went the extra mile to add its unique perspective to issues discussed in this proceeding.</p>	<p>WEM's participation on such matters was largely duplicative.</p>
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### PART III: REASONABLENESS OF REQUESTED COMPENSATION

#### A. General Claim of Reasonableness (§§ 1801 & 1806):

<p><b>a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation:</b></p> <p>WEM identified the issue of providing electric resources using preferred resources. The utility companies had planned to use gas fired resources as the main source of electrical generation, but WEM disputed that assertion during R.1005006, as well as during this proceeding. This encouraged other parties to ask the Commission to require the utility companies to determine how to replace gas fired power plants instead of just supplementing the power plants' output. This saves ratepayers the cost of buying fuel for gas fired power plants as well as saving the environment the cost of the resulting greenhouse gas emissions. WEM also brought attention to the hundreds of millions of EE dollars that was sitting in utility coffers doing nothing, hopefully embarrassing the utilities enough to begin putting this money to good use.</p>	<p><b>CPUC Verified</b></p> <p>With reductions adopted in this decision, the requested amount bears a reasonable relationship with benefits realized through WEM's participation.</p>
<p><b>b. Reasonableness of Hours Claimed:</b></p> <p>WEM's claim is very reasonable. Barbara George worked with dedication and sincerity for many years in EE proceedings prior to this LTPP proceeding. The Commission had the benefit of her deep knowledge of EE issues from a decade of involvement in CPUC EE proceedings, as well as her familiarity with best practices around the nation for utilizing EE in procurement.</p>	<p>With the reductions adopted in this decision, the requested number of hours is reasonable.</p>
<p><b>c. Allocation of Hours by Issue</b>  <i>See Attachment 2 – "Allocation of Time by Issue"</i><sup>14</sup></p>	

<sup>14</sup> Attachments to the subject Intervenor Compensation Claim are not attached to this decision.



**B. Specific Claim:**

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
D.13-02-015:								
Barbara George	2012	345.75	\$180	D.13-10-071	\$62,235	78.68	\$180	\$14,162.40
Barbara George	2013	31	\$185	180*2% COLA	\$5,735	6.98	\$185	\$1,291.30
D.12-12-010:								
Barbara George	2012	53.25	\$180	D.13-10-071	\$9,585	23.63	\$180	\$4,253.40
Subtotal: \$ 77,555						Subtotal: \$ 19,707.10		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Barbara George	2012	0.5	\$90	D.13-10-071	\$45	0.35	\$90	\$31.50
Jean Merrigan	2014	43.50	\$87.50	See Statement of Merrigan	\$3,806.25	7.0	\$65	\$455.00
Subtotal: \$3,851.25						Subtotal: \$ 486.50		
TOTAL REQUEST: \$ 81,406.25						TOTAL AWARD: \$20,193.60		
<p>We remind all intervenors that Commission staff may audit its records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fee paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Approved Travel and Reasonable Claim preparation time compensated ½ of preparer’s approved hourly rate.</p>								

**C. CPUC Disallowances and Adjustments:**

Item	Reason
(1) Hourly Rate for Barbara George's Work in 2012 and 2013	WEM requests the rate of \$180 for George's work in 2012, and \$185 for her work in 2013. The rate of \$180 was adopted in D.13-10-071, and we approve it here. For the work in 2013, Resolution ALJ-287 approved a 2% COLA adjustment to hourly rates. The requested rate of \$185 represents the previously adopted rate of \$180 plus COLA, rounded to the nearest \$5.00. The requested rate is reasonable and we adopt it here.
(2) Hourly Rate	WEM requests the hourly rate of \$87.50 for Merrigan's work on the intervenor

for Jean Merrigan's Work in 2014	<p>compensation claim. Since the Commission's rates for this type of work represents half of the normal hourly rate, the requested rate is based on a rate of \$175.00. We find this request unreasonable.</p> <p>The Commission's hourly rates approved for advocates' work in 2013 range from \$65 to \$155 – and these mostly for representatives with years of experience litigating before the Commission.<sup>15</sup> A cursory rendering of Merrigan's career in her Statement (Attachment 4 to the claim) does not support the requested rate. According to the Statement, Merrigan started accumulating her experience relevant to this proceeding in 2013. We find more reasonable, and adopt here, an hourly rate of \$65 for the work on the intervenor compensation claim, which is based on an hourly rate of \$130.</p>
(3) Non-compensable Tasks	<p>WEM's time records contain clerical tasks, such as filing and service of documents. Hourly rates for substantive professional work assume overheads and are set accordingly. We therefore deny additional recovery for clerical work, and remove the total of 2.35 hours from WEM's hours related to D.13-02-015 and 0.75 hour from the hours related to D.12-12-010.</p>
(4) Reductions of Hours by Issues	<p>Attachment 2 to the claim contains allocation of hours by issues identified in the May 17, 2012 Scoping Memo (Scoping Memo issues). These issues, however, either overlap with the issues described in Part II (WEM issues) or WEM issues include portions of the Scoping Memo issues. Reductions for a lack of substantial contribution are based on WEM issues, rather than Scoping Memo issues.</p> <p>Regarding WEM's participation in the proceedings leading to D.13-02-015, of the seven issues in Part II, WEM contributed to two. This contribution constitutes 28.6% of the total issues, and as such, we reduce WEM's hours related to D. 13-02-015 by 71.4%.</p> <p>Regarding WEM's participation in the proceedings leading to D.12-12-010, of the two issues described in Part II, WEM contributed to the second issue. Thus, we reduce WEM's hours related to D.12-12-010 by 50%.</p> <p>WEM devoted a significant effort to the "replacement for SONGS issue." All but one<sup>16</sup> of WEM's pleadings and testimony submitted during the relevant time period argue this matter in length. We note that this issue was not a part of D.13-02-015 and was not a major matter under consideration in the proceedings leading to D.12-12-010. D.13-02-015 (at 7, 9, and 120) specifically excludes this issue from the proceeding. WEM's testimony concerning SONGS was stricken by the assigned Commissioner and ALJ's Ruling of July 17, 2012. We reduce the compensable hours related to</p>

<sup>15</sup> See, Current Hourly Rate table at the Intervenor Compensation Program's webpage at [www.cpuc.ca.gov](http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/) > <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/>.

<sup>16</sup> January 14<sup>th</sup> opening comments on the Track 1 Proposed Decision.

	D.13-02-015 by an additional 20%, and the compensable hours related to D.12-12-010 by an additional 10%.
(5) Work on Intervenor Compensation Claim	WEM requests compensation for 43.5 hours spent preparing the intervenor compensation claim. This is excessive for a claim concerning a work of one representative during approximately 10 months. We note that in Part II of the claim WEM's references to the record rarely demonstrate connections between WEM's presentations and the decisions to which WEM claims contributions. Time records often inappropriately combine several different tasks in one entry. <sup>17</sup> Pursuant to Rule 17.4(b) of the Commission Rules of Practice and Procedure, these tasks must be reflected separately. <sup>18</sup> We also note that the requested hours include non-compensable clerical tasks. We consider spending 7.0 hours preparing this claim as more reasonable, and reduce the requested hours accordingly. We also reduce the NOI preparation time to 0.35, by removing a non-compensable clerical task.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
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<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(C)(6))?</b>	No.
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If not:

Party	Comment	CPUC Disposition

**FINDINGS OF FACT**

1. Women's Energy Matters has made substantial contributions to D.13-02-015 and D.12-12-010.
2. The requested hourly rates for Women's Energy Matter's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$ 20,193.60.

<sup>17</sup> For example, "8/8/2012 Attend hearing, review testimony and draft questions... 10.5 hours".

<sup>18</sup> See detailed instructions at 19- 20 of the Intervenor Compensation Program Guide at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Women's Energy Matters is awarded \$ 20,193.60.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Women's Energy Matters their respective shares of the award, based on their California-jurisdictional electric revenues for the 2012 calendar year, to reflect the year in which the phases of the proceeding relevant to the Claim were primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month, non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 18, 2014, the 75<sup>th</sup> day after the filing of Women's Energy Matters request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1302015; D1212010		
<b>Proceeding(s):</b>	R1203014		
<b>Author:</b>	ALJ Gamson		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Women's Energy Matters	March 4, 2014	\$81,406.25	\$20,193.60	N/A	Non-compensable clerical tasks, adjusted hourly rate, lack of substantial contribution, inefficient efforts.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Barbara	George	Expert	Women's Energy Matters	\$180	2012	\$180
Barbara	George	Expert	Women's Energy Matters	\$185	2013	\$185
Jean	Merrigan	Advocate	Women's Energy Matters	\$87.50	2014	\$130/\$65

**(END OF APPENDIX)**